

1389. d.5.

BILL OF RIGHTS, THE BIRTH-RIGHT OF ENGLISHMEN:

SHORT ACCOUNT OF THAT STATUTE,

WITH OBSERVATIONS THEREON;

Recommended to the Consideration of

THE PEOPLE OF ENGLAND,

AT THE ALARMING PERIOD OF

1795;

And ought to be read by

EVERY INDIVIDUAL IN THE KINGDOM

ATTACHED TO

Constitutional Liberty.

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TO THE

PEOPLE OF ENGLAND.

THE warning-spirit of every Englishman should be exerted at this interesting period to awaken his less vigilant neighbour to a sense of the immediate danger which threatens the constitution of his country; perhaps no period ever claimed a greater exertion on behalf of a people who have dared, and it is to be hoped, yet dare to be free, in defiance of every attempt to enslave them.

Britons, look to yourselves; look to the present measures of your Parliament; read the Bills before them; judge of their tendency, and decide accordingly: never let it be recorded in the page of history, that the rude attack of a few daring and half-famished miscreants was in the 18th century admitted as a sufficient ground for depriving the people of this country of their natural birth-right, and that they, under the influence of aggravated and interested misrepresentation, quietly looked on at the sacrifice! --

sacrifice!---No, it cannot, will not be so: Englishmen disdain the character of being despots' mutes; and while yet they may speak, they will speak, and that with the freedom of their ancestors;---and while yet they may meet, they will meet, and expose the dark deeds of dark administrations, and that in such hosts, that should any attempt to deprive them of their right to assemble for the discussion of political subjects succeed, the authors of so daring an outrage upon the first principles of the constitution will have just cause to tremble for their temerity, and they will do well to learn in time, that although one man may be punished for speaking his sentiments with freedom, and others may be punished for assembling to discuss the politics of their country, the nation at large is a power beyond their purchase to restrain, and that, like an ungoverned torrent which hurries destruction before it proportioned to the resistance it has overcome, an injured nation will inflict vengeance on the abuses of its generosity, according to its sense of aggravated insult.

I have not been in the habit of obtruding myself upon the public; I am not a member of any club; I belong to no political society; nor do I attend any such meeting; but I am an Englishman, and I fear that to be silent for a few days longer, may be to be silent for ever. Good God! my countrymen, shall the system of spies and informers be so complete in this once-favoured isle of liberty, that the servant, who attends at his master's table, may transport him or his guests to Botany Bay, for some unguarded expression that may have fallen in their moments of conviviality? or shall the labourer be tempted by

by the hope of courtly favour to betray his master? shall private revenge be encouraged, whilst giving the falsest testimony? or, shall Englishmen, grown jealous of each other, dread to express their sense of wrongs, even to their closest intimates, from an apprehension that, like under the old and execrable government of France, in their friend they may find a spy, set to watch over them for the worst of purposes? Society on these terms is worse than savage nature, and though it may retain advantages for the miscreant hireling, the honest heart will gladly seek retirement from so gross a scene of prostituted humanity.

The advocates for the present measures insultingly draw their precedents from the reign of Charles II. and dare to compare the people of England, at this time, to the state of the nation when the regicides of that monarch's unfortunate father still lived. If they wish to carry their comparison any further, I will warn them against so ungracious a measure, by reminding them, that their favourite monarch, Charles II. continued a system for attaining to absolute power, which originating in the reign of James I. caused his father to be beheaded, and being pursued by him during a twenty-eight year's reign, obliged his successor to abdicate the throne, and effected the glorious Revolution which introduced the present House of Brunswick into this country; an event so much the glory of every good Englishman, that I could wish all such systems may have the same happy termination.

The promoters of the Bill now before the House of Peers having found an Act of Parliament passed
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in the reign of Charles II. by what that Monarch called his *blessed* Parliament, similar to the present Bill, they conceive themselves relieved from the responsibility of a novel measure, so teeming with the destruction of British Liberty. I should be glad to ask those precedent-mongers, Why, as the Act of the first year of the reign of Charles II. (of which the present Bill is nearly a literal copy) was a perpetual Act, and not made for any limited time, but extended to that Monarch, his heirs, and successors, they do not now boldly come forward, and put it in force, without troubling the Parliament and alarming the people with apprehension of a new unconstitutional measure ? But as I fear these Gentlemen will scarce deign to disturb themselves in the enjoyment of the abundant good things they possess, to answer the impertinent put questions of an anonymous Scribbler, I will tell them why they did not, and why they dare not ; and you, O my countrymen, listen to the reason, and hold in holy reverence the cause, and those your noble ancestors, who gave you a Bill of Rights, which at once, while it settled the succession to the throne of this country, ascertained the rights of Englishmen, and overthrew that system of despotism which King Charles's blessed Parliaments had so compliantly given way to. It may not be ill-timed to call the attention of the reader at this place to some particular passages in the Bill of Rights, which he will do well to recollect. At the same time that it contained a declaration of grievances practised in the last reign, was also a claim of rights, made by the representatives of the people, in behalf of the nation ; and he will find among the grievances

grievances complained of, was the committing and prosecuting divers worthy Prelates, for humbly petitioning to be excused from concurring to assumed power ; the violating the freedom of election for Members to serve in Parliament ; the returning partial, corrupt, and unqualified persons to serve on Juries in trials, and particularly in trials for High Treason ; the requiring excessive bail of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects ; the imposing excessive fines, and inflicting illegal and cruel punishments ; and a number of such like arbitrary acts of cruelty and oppression, that had been practised against the people ; for the remedying of which, and in order that the religion, laws, and liberties of the people might not again be in danger of being subverted, among other wholesome regulations for the public good, it is declared ;

“ That it is the right of the subjects to petition
 “ the King, and all commitments and prosecutions
 “ for such petitioning are illegal ; that the subjects
 “ which are Protestants may have arms for their
 “ defence, suitable to their conditions, and as are
 “ allowed by law ; that the election of Members of
 “ Parliament ought to be free ; that excessive bail
 “ ought not to be required ; nor excessive fines
 “ imposed ; nor cruel and unusual punishments in-
 “ flicted.”

These and such like barriers were erected by our ancestors, as bulwarks for the liberties of the people, and to prevent a repetition of the tragedies which have blackened the pages of the history of this country, with the foulest punishments that ever were inflicted

flicted on the suffering martyrs in the cause of freedom; and which were practised in an age in which the courtly Hume says, Popularity, humanity, justice, and virtue, became crimes, and were used as arguments against prisoners; and in which others were convicted upon evidence that Hume himself confesses was not legal. Shall all this care and anxiety of our ancestors to regain their rights be forgotten by the people of 1795? Shall example have no influence over them? Will they allow the grievances complained of in their Bill of Rights to be revived? Or will they, warned by a sense of their danger, claim their privileges, while yet the power remains amongst them? If the people of England prefer the former condition, a summary way may be adopted; and let them in that case instruct their representatives in Parliament to proceed and repeal the Bill of Rights. The ancient doctrines of passive obedience and non-resistance will then be revived, and all the horrid abuses of absolute power may be enforced with impunity. On the contrary, and which I know must be the case, if the people of England will be free, let them assemble and declare that will, and they may set at defiance sycophants, placemen, and pensioners.

Why in the reign of William III. against whose life repeated attacks were made, did not the Ministers of that day introduce the same measures into Parliament as those which are now proposed? Could strong measures be more requisite in any age than when plot followed plot, and attempt after attempt was made to assassinate the King?---certainly not. And yet; relying on the adequacy of the existing

isting laws to the punishment of such detestable crimes, the ministers of that day did not seek for new pains and penalties, nor did they brand the whole nation with the foul calumny of being treacherous and seditious, because a few daring villains had raised their hands against the life of the Sovereign. Both Houses of Parliament contented themselves with presenting affectionate addresses expressing their abhorrence of such villainous attempts, and with assuring the King they would to the utmost defend his life, and that in case his Majesty should come to a violent death they would avenge it upon his adversaries and their adherents. This was the language and conduct of the framers of the Bill of Rights. The people had not forgot the too successful attempts that had been made in the preceding reigns to acquire absolute power; they revered their newly-recovered rights. And you, O, my countrymen! hold in sacred reverence that Bill of Rights.

It must be flattering to Englishmen to be reminded, that a foreigner, a subject of the ancient despotic government of France, viewing with an envious eye the liberties of this country, thus expresses himself:

“ Nor has the great freedom of canvassing political subjects we have described been limitted to the members of the legislature, or confined to the walls of Westminster; the like privilege is allowed to other orders of the people, and a full scope is given to that spirit of party, and a full security insured to those numerous and irregular meetings which, especially when directed to matters of government, create so much uneasiness in the sovereigns of other countries. Individuals

“ even

“ even may in such meetings take an active part for
 “ procuring the success of those public steps, which
 “ they wish to see pursued. They may frame peti-
 “ tions to be delivered to the crown, or to both
 “ houses, either to procure the repeal of measures
 “ already entered upon by government, or to prevent
 “ the passing of such as are under consideration, or
 “ to obtain the enacting of new regulations of any
 “ kind, they may severally subscribe their names to
 “ such petitions. The law sets no restrictions on
 “ their numbers, nor has it we may say, taken any
 “ precaution to prevent even the abuse that might
 “ be made of such freedom.

“ That mighty political engine the Press is also at
 “ their service; they may avail themselves of it to
 “ advertise the time and place, as well as the intent
 “ of the meetings, and moreover to set off and in-
 “ cultate the advantages of those notions which the
 “ wish is to see adopted.

“ Such meetings may be repeated, and every indi-
 “ vidual may deliver what opinion he pleases on the
 “ proposed subjects, though ever so directly opposite
 “ to the views or avowed designs of the government.
 “ The member of the legislature may, if he chooses,
 “ have admittance among them, and again inforce
 “ those topics which have not obtained the success
 “ he expected in that house to which he belongs.
 “ The disappointed statesman, the minister, turn-
 “ ed out, also find the door open to them; they
 “ may bring in the whole weight of their influence
 “ and connections; they may exert every nerve
 “ to enlist the assembly in the number of their
 “ supporters; they are bid to do their worst; they

fly

" fly through the country from one place to another; the clamour encreases; the constitution, one may think, is going to be shaken to its very foundation; but these mighty struggles, by some means or other, always find a proportionate degree of reaction; new difficulties, and at last insuperable impediments grow up in the way of those who would take advantage of the general ferment to raise themselves on the wreck of the governing authority; a secret force exerts itself, which gradually brings things back to a state of moderation and calm; and that sea, so stormy to appearance, so deeply agitated, constantly stops at certain limits, which it seems as if it wanted the power to pass."

Were not these the sentiments of every Englishman but a few days past? and is it not a libel upon the nation to suppose they are now changed? God forbid that they are, or ever should be; with shame let the assertion be withdrawn, and if there are turbulent spirits in the kingdom, who endeavour to propagate the principles of faction and violence, let them be dragged forth to light, and suffer the punishment they deserve; but never let it be attempted to brand the good people of England with the names of traitors and seditious persons, because of a few miscreants that are said to exist, no person knows where.

The Bill before the House of Peers is entitled "An Act for the preservation of his Majesty's Person and Government against treasonable and seditious Practices and Attempts." Now, I will, on the first authority in this country, advance as a fact, that

that no remedy whatever is introduced in that Bill for the preservation of his Majesty's person against treason and sedition that is not already amply provided for by the existing laws of the land, and the most zealous friends of the monarchy will do well to consider this, and, stripping the wolf of his sheep's cloathing, examine that clause of the Bill which is intended to *prevent the expressing, publishing, uttering, or declaring any words, sentences, or other thing, or things, by writing, printing, preaching, or other speaking; to incite, or stir up the people to hatred or dislike of the person of his Majesty, his heirs or successors, or the established government and constitution of his realm;* and they will then be let into the secret spring from which this measure originates. Who will venture to enquire into the conduct of government, should this Bill pass into a law? Where will be the Englishman's boasted right to meet and frame petitions for the redress of grievances? All may suffer them, but who dares express his sense of his country's wrongs? None but him who dares to brave the horrors of a loathsome prison. The Press, that mighty political engine, will be silenced; distrust and revenge will be engendered in the breast of every citizen, instead of that confidence and good understanding which is the offspring of better times.

With an assurance that would astonish mankind, at any other æra than the present, we are told that the precedent for the measure is drawn from the good times of Charles II. In what the goodness of those times consisted I am at a loss to discover; unless in the glory of having a monarch to govern the people who had great vices, but scarce any virtues to correct them;

them; who was, during the active part of his life, given up to sloth and lewdness; who raised favourites, and trusted them entirely, and afterwards pulled them down, and hated them excessively; who had the art to cover his deep designs, particularly of revenge, with the most treacherous appearance of softness; who corrupted the age he lived in, both in morality and religion; and who died himself a pensioner to the King of France. Are these the traits of the good times; or must we look into the Statute-book of this virtuous reign, and search for the monuments of liberty which the blessed parliaments of this pensioned king have left behind them? Such an enquiry would be fruitless, but it would lead the enquirer to one Act for the preventing more than twenty signatures to the same petition or address to the King or either House of Parliament, unless the matter was first consented to by a number of the magistrates or grand jury of the place, or, if in London, by the Lord Mayor, Aldermen, and Common council, who were perhaps at that time all of equal blessed memory with King Charles's blessed parliament; and the same act restrained more than ten in number to attend and present any such petition or address: and another act was also the offspring of this favourite reign, to prevent more than five persons to be present at any assembly or meeting for the exercise of religion, in any other manner than according to the liturgy and practice of the Church of England, which unquestionably must be the true and only pure system of religion in the universe, notwithstanding the millions of people who know nothing about it.

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These certainly are the fruits of those good times ; and it is not to be wondered that the present men in power should admire them, for they seem to suit their very heart's purpose, nor can it be doubted but their revival will be introduced amongst us. The Minister insults your understanding, when he deceitfully asserts, that the fair rights of the people will still be left with them to petition, while a proper remedy will be applied for preventing the abuse of that right. His idea of the fair right to petition may remain, but what will the Lord Mayor, Aldermen and Common Council of London, say to the prospect of that right continuing, when they refer back to history and find that, in this admired reign of Charles II. and from which our present rulers draw their precedents, the King seized upon the charter of the city of London, because the good citizens audaciously presented a petition to him, humbly praying that he would allow the Parliament to sit, as the only means to quiet the minds and extinguish the fears of his Protestant people ; and that such charter was again restored to them, upon their most absolute submission to the King's will, and subjected to such slavish articles as effectually deprived the citizens of their chief privileges, and left the election of their officers to the arbitrary approbation of the King.

The Deceit of the Minister, in admitting the People's Right to Petition, is only to be equalled by himself, and to pass his Bill into a Law ; and the nation will soon understand his meaning, and find the right to remain with them as it does to the Russian slave, who may petition the throne, upon pain of death

death if found to be in the wrong. Will not a petition, complaining of grievances, be seditious? and will not every signature be the proof of a seditious person? That such will be the effects of the measure cannot be doubted; and then, who will dare to assert, that the Bill of Rights is not invaded, and, in fact, virtually repealed? Whoever ventures such an assertion, will be guilty of a falsehood, as manifest as light under the meridian sun.

That Bill of Rights by which (a certain pensioned political writer says), if the people possessed the right of electing their kings before, the whole nation did at that time most solemnly renounce and abdicate it, for themselves and for all their posterity for ever, will remain with the people only as a shadow, tormenting them for their neglect of a jewel which lost this country the life of one king, the abdication of another, and the blood of thousands of its people, shed in civil war, before it could be established.--- Surely, in common sense, if the people of England have by the Bill of Rights surrendered the power of electing their monarchs, and thereby bound themselves, their heirs and posterity for ever, the privileges thereby secured to the nation ought to be equally binding upon the crown, its heirs and successors for ever; and the advocates for these eternal binding contracts should tremble at any infringement upon the liberties secured thereby to the people, lest they, in return, should deem the compact dissolved, and, having no longer any protection under it for themselves, be less disposed to reverence that part which some good men will reluctantly admit even the right of enquiring into.

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The right of petitioning the King, or either House of Parliament, is, unquestionably, with the people; and even the self-approving Minister, or his pliant colleagues, will not venture to contradict the assertion; nor will they deny, that the only caution necessary in such cases, as the law at present stands, is the guarding against any riot, or tumult, that may be the consequence of large assemblies of the people meeting together to discuss their grievances. Then, oh, my countrymen! embrace the opportunity that yet remains to assert your rights! --- prepare petitions to all branches of the Legislature of your country --- insist upon the great Charters of the Nation being maintained, and let those hirelings of power, who dare attack the birth-right of Englishmen and endeavour to overthrow their Bill of Rights, learn, ere it is too late, that the Nation is awake to a sense of its danger. Let not the assemblies at Copenhagen-house lead or deter you from asserting your liberties. The yet undecided weight of the nation should express their attachment to their rights and liberties, by presenting petitions from all quarters of the kingdom. --- Every man of property is interested in the issue, and will do well to check the mad career of a prerogative administration, before they compel the people to expose the absurd doctrine of Passive Obedience and Non-Resistance.

Rex debet esse sub lege,
Quia lex facit Regem.



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